IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

L.P.A.NO. 113 OF 2002

ALONGWITH

CIVIL APPLICATION NO.121 OF 2002

SHREE SHARAD SAHAKARI BANK LTD. ... APPELLANTS.

VS.

MAGIC PRAKASHAN & ORS. ... RESPONDENTS.

MR. A.V.ANTURKAR SR. ADVOCATE FOR THE APPELLANTS.

NONE FOR THE RESPONDENTS.

CORAM : J.N.PATEL & A.A. SAYED, JJ.

DATE : July 2, 2007.

P.C.

1. Heard.

2. The learned Counsel for the appellant submits that the Appellant-Bank has impugned the Order passed by the learned Single Judge, granting facilities for repayment of loan by instalments. Aggrieved by the said decision, the appellant-bank approached this Court

by preferring this appeal. The appeal is of the year 2002. It is also submitted that in view of the fact that the learned Single Judge has granted liberty to the appellants to move the Court, in case, the respondent fails to pay the amount due and payable, under Section 91 of the Co-operative Societies Act under the Award.

3. In view of these facts, he seeks permission to withdraw the LPA with liberty to move the learned Single Judge in the matter so that the Award can be executed. Permission granted. The LPA is dismissed as withdrawn.

4. In view of dismissal of the LPA the Civil Application does not survive and hence, disposed of accordingly.

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[A. A.Sayed, J] [J.N.Patel, J.]